

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

TANMAYA KABRA,

Defendant.

Criminal Action No. 19-cr-10335

**DEFENDANT TANMAYA KABRA’S MOTION
FOR A DOWNWARD DEPARTURE OR A VARIANCE**

Defendant Tanmaya Kabra (“Mr. Kabra”) respectfully moves this Court for a downward departure or a variance under U.S.S.G. § 5H1.5, § 5H1.11, and § 5K2.0 from level 22 to level 11 based on his acceptance of responsibility, employment history, charitable works, and restitution. In support of this Motion, Mr. Kabra relies on and incorporates the factual and legal arguments set forth in his Sentencing Memorandum dated September 13, 2021.

Mr. Kabra respectfully urges the Court to grant a downward departure or a variance and to impose a sentence of time served and home confinement. There are substantial grounds that support a downward departure or variance from the applicable guideline range based on Mr. Kabra’s employment history, genuine remorse, and hard work and dedication to raising restitution payment. Mr. Kabra respectfully submits that the factors set forth in his Sentencing Memorandum and the accompanying Memorandum of Law support the proposed sentence of time served plus home confinement as sufficient and all that is necessary to fulfill the needs of sentencing in this case.

WHEREFORE, Defendant Tanmaya Kabra respectfully requests that the Court depart downward from level 22 to level 11 under the Sentencing Guidelines or vary downward from the

applicable advisory Sentencing Guidelines range for the reasons set forth in his Sentencing Memorandum and the accompanying Memorandum of Law and impose a sentence of time served and home confinement.

Respectfully submitted,

TANMAYA KABRA

By his attorneys,

/s/ Michael J. Connolly

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Dated: September 13, 2021

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 13, 2021.

/s/ Michael J. Connolly

Michael J. Connolly